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#### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims are respectfully requested.

#### Status of Claims

Claims 1, 4-5, and 7-13, are pending in the application. Claims 1, 4-5, and 7-12 have been rejected. Claim 13 has been withdrawn from consideration. Claims 1, 4, 5, and 7 have been amended.

Applicant respectfully asserts that the amendments to the claims add no new matter.

#### The Telephone Interview

Initially, Applicant wishes to thank the Examiner, Chandra P. Chaudhari, for granting and attending the telephone interview, with Applicant's Representative, Guy Yonay, Reg. No. 52,388 on December 23, 2003. In the interview, claims 1, 4, 5, and 7 were discussed, as was Aloni et al. (U.S. Patent 6,346,442).

During the interview, Applicant agreed to amend independent claims 1, 4, 5, and 7 to clarify the scope of the invention. More specifically, claims 1, 4, 5, and 7 were amended to recite that oxygen is introduced to substantially all of the nitride layer within a memory cell during formation of a second oxide layer on top of the nitride layer, so as to restrict lateral movement of charge within the nitride layer.

It was agreed that Aloni does not inherently introduce oxygen into substantially all of the nitride layer.

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## **CLAIM REJECTIONS**

### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner rejected claims 1, 4, 5, and 7-12 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner mentioned that there is no support in the specification for "charge localization".

Claims 1, 4, 5, and 7 have been amended to recite claim language specifically used in the specification. The Examiner has agreed that the newly recited claim language complies with the written description requirement. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel.

Applicant respectfully asserts that these amendments render claims 1, 4, 5, and 7 proper under 35 USC 112 and requests that the rejections be withdrawn.

### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1, 4, 5, and 7-12 under 35 U.S.C. § 102(e), as being anticipated by Aloni et al. (U.S. Patent 6,346,442). Applicant respectfully traverses this rejection in view of the remarks that follow.

As agreed during the interview, Aloni does not inherently introduce oxygen into substantially all of the nitride layer, as recited in the pending claims.

Accordingly, Applicant respectfully asserts that independent claims 1, 4, 5, and 7 are allowable. Claims 8-12 depend from, directly or indirectly, claims 1, 4, 5, and 7, and therefore include all the limitations of those claims. Therefore, Applicant respectfully asserts that claims 8-12 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claims 1, 4, 5, and 7 and to claims 8-12 dependent thereon.

Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1, 4, 5, and 7-12.

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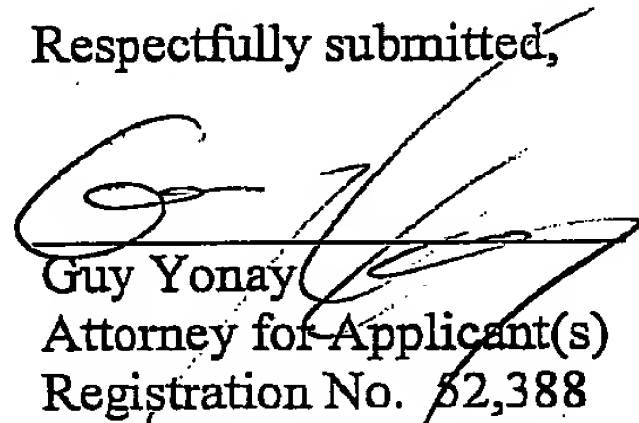
Applicant notes that none of the amendments to the claims herein are in response to the above discussed prior art rejections.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance are respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,



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Dated: February 3, 2004

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